

Appl. No. : 10/764,991
Filed : January 26, 2004

COMMENTS

Claim Rejections

Claims 1 and 34-50 stand rejected under 102(e) as anticipated by U.S. Patent No. 6,551,350 to Thornton et al.

With respect to Claims 1 and 34-39, Applicant respectfully traverses the rejection of these claims. Thornton disclosed a retraction assembly 340, which comprises a biocompatible filament 342 that includes an first end portion that is fixed to the retraining member 102 at an attachment point 348. *See* Col. 10, lines 10-50. The filament 342 is slidably secured to an apex or bend portion 344 of the stent 126. *Id.* The second end portion is fixed to a different apex or bend portion 346 of the stent 126. *Id.* Thus, as shown in Figures 5A and 5B, as the stent is expanded, the distance between the apexes 344 and 346 increases and the filament 342 slides to the right of Figure 5A. That is, the filament 342 slides through the first apex 342 in a lateral direction. The filament does not slide axially along the struts (i.e., the portions of the stent 126 between the bends).

In contrast, Claim 1 recites, in part, a "support structure comprising at least a first and second axially adjacent tubular segments, each segment comprising a plurality of wall struts connected by proximal and distal bends", "at least two sliding links in between the first and second segments; and each of the at least two sliding links configured for axial movement along a wall strut." With reference to an illustrated embodiment shown in Figures 34a-c, the sliding links advantageously permit axial compression of the graft. *See* page 37, lines 1-10. The retraction assembly 340 of Thornton does not provide this function. For at least this reason, Applicant submits that Claim 1 is in condition for allowance. Claims 34-39 depend upon allowable Claim 1 and recite additional patentable subject matter.

With respect to Claims 40-50, Applicant respectfully disagrees with the rejection of these claims. Nevertheless, to advance prosecution, Applicant has chosen to amend these claims. Applicant reserves the right to pursue Claims 40-50 in their original or similar form in a continuing application.

As amended, independent Claim 40 recites, in part, "wherein at least some of the bends in one tubular segment are slidably connected to at least some of the wall sections in the adjacent tubular segment and configured for axial movement along the wall strut sections in the adjacent tubular segment." (Underlining indicating additions to the claim). As amended, Claim 42 recites, in part, "wherein the first and second segments are joined to

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each other by a plurality of sliding links configured to allow axial compression between the first and second segments." (Underlining indicating additions to the claim).

Thornton does not disclose a stent with the above-noted features. Thus, for at least this reason, independent Claims 40 and 42 are in condition for allowance. Claims 41 and 43-50 depend upon independent Claims 40 and 42, respectively. These claims also recite additional patentable subject matter.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

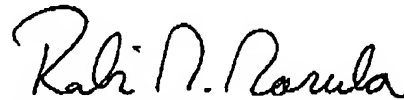
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By:



Rabinder N. Narula
Registration No. 53,371
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

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